

ENTERED

April 13, 2023

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

CHRISTOPHER JOSEPH DOWNUM, JR, §

Plaintiff, §

v. §

Civil Action No. 2:22-CV-00066

ARANSAS COUNTY PUBLIC SAFETY §
CENTER, *et al*, §

Defendants. §

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the May 31, 2022, Memorandum and Recommendation (“M&R”) prepared by Magistrate Judge Jason Libby. (Dkt. No. 8). Magistrate Judge Libby made findings and conclusions and recommended that pursuant to the screening requirements under the Prison Litigation Reform Act Plaintiff’s complaint be dismissed without prejudice for want of prosecution. (*Id.*).

The Parties were provided proper notice and the opportunity to object to the M&R. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). On June 7, 2022, Plaintiff filed objections. (Dkt. No. 9). Plaintiff objects to the Magistrate Judge’s jurisdiction over his case. (*Id.* at 3). He then spends the remainder of his objection restating his original complaint. (*Id.* 3–5).

In accordance with 28 U.S.C. § 636(b)(1)(C), the Court is required to “make a de novo determination of those portions of the [magistrate judge’s] report or specified proposed findings or recommendations to which objection [has been] made.” After

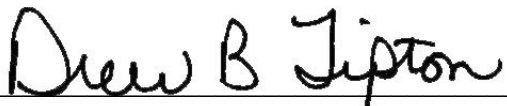
conducting this de novo review, the Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” *Id.*; *see also* Fed. R. Civ. P. 72(b)(3).

The Court has carefully considered de novo those portions of the M&R to which objection was made, and reviewed the remaining proposed findings, conclusions, and recommendations for plain error. Finding no error, the Court accepts the M&R and adopts it as the opinion of the Court. It is therefore ordered that:

- (1) Magistrate Judge Libby’s M&R, (Dkt. No. 8), is **ACCEPTED** and **ADOPTED** in its entirety as the holding of the Court; and
- (2) Plaintiff’s Complaint, (Dkt. No. 1), is **DISMISSED WITHOUT PREJUDICE**.

It is SO ORDERED.

Signed on April 13, 2023.



DREW B. TIPTON
UNITED STATES DISTRICT JUDGE